

REMARKS

The application has been reviewed in light of the Office Action mailed on May 12, 2008. Withdrawn claims 70-75, 95-102 and 104-112 have been cancelled, without prejudice, to simplify the application. Applicants reserve the right to pursue the cancelled claims, and other claims, in other applications. Reconsideration of the application is requested for the following reasons. Should the Examiner disagree that the following remarks place the application in condition for allowance, Applicants request a personal interview at the Examiner's earliest convenience.

Claim rejections are addressed in ascending order of the pending claims.

Claims 68, 69 and 76-85 stand rejected under 35 U.S.C. 103 as being unpatentable over Kameshima et al., U.S. Patent 6,271,880 (Kameshima) in view of Tsai, U.S. Patent publication 2004/0032627 ("Tsai"). This rejection is respectfully traversed because Tsai is not a proper reference under 35 U.S.C. 103.

Sub-section (c) of 35 U.S.C. 103 provides that

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This is the case here. First, Tsai was developed by another person. Second, Tsai qualifies as prior art only under subsection (e) of 35 U.S.C. 102. Tsai was filed on August 19, 2002 and published on February 19, 2004. The subject application is a divisional application of application no. 10/290,397, filed on November 8, 2002. Third, Tsai and the subject application were, at the time the claimed invention was made, subject to an obligation of assignment to Micron Technology, Inc.

For at least this reason, the proposed combination is improper and the rejection should be withdrawn. Applicants also disagree with the assertions provided on pages 3-5 of the Office Action. Claims 68, 69 and 76-85 are in immediate condition for allowance. The rejection should be withdrawn and the claims allowed.

Claims 86 and 87 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kameshima. Reconsideration is respectfully requested for the following reasons.

Independent claim 86 has been amended to clarify the distinctions between the claimed invention and Kameshima. Amended claim 86 recites "storing a fabrication process dependent value for an imager chip; ... and determining an associated temperature value for each of said locations using ... said fabrication process dependent value." Kameshima fails to teach or suggest this claim limitation. The Office Action concurred, stating (at p.3) that "Kameshima et al. does not disclose the steps of storing a fabrication process dependent value for an imager chip."

For at least this reason, amended claim 86 is in condition for allowance. Claim 87 depends from claim 86 and contains every limitation of claim 86. Claim 87 is allowable

for the same reasons claim 86 is allowable, and for other reasons. The rejection should be withdrawn and the claims allowed.

Claims 88-92 stand rejected under 35 U.S.C. 103 as being unpatentable over Kameshima. This rejection is respectfully traversed. Claims 88-92 depend from claim 87, and incorporate every limitation of claim 87 and its base claim 86. As discussed above, amended claim 86 is allowable over Kameshima, and claims 88-92 are allowable for at least the same reasons. Also, Applicants disagree with the Office Action's assertions (at p. 5) that the limitations recited in dependent claims 88-92 are simply a "matter of design choice." The rejection should be withdrawn and the claims allowed.

Claims 93, 94 and 103 stand rejected under 35 U.S.C. 103 as being unpatentable over Kameshima in view of Tsai, and further in view of Wand, U.S. Patent no. 6,267,501 ("Wand"). This rejection is traversed. As discussed above, Tsai is not a proper reference pursuant to 35 U.S.C. 103(c), and the rejection should be withdrawn for at least this reason. Moreover, Applicants disagree with the assertions on pages 5-6 of the Office Action. Claims 93, 94 and 103 are in immediate condition for allowance. The rejection should be withdrawn and the claims allowed.

In view of the above, Applicants believe the pending application is in condition for allowance.

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